

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Van Beusechem	Examiner:	Scott Long
Serial No:	10/501,407	Group Art Unit:	1633
Confirmation No.:	9615	Docket No.:	294-293 PCT/US/RCE
Filing Date:	March 25, 2005	Dated:	April 4, 2011
For:	VIRUSES WITH ENHANCED LYTIC POTENCY		

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Lauren T. Emr  
(Printed Name)

Signature: /Lauren T. Emr/

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**DECLARATION OF FRANK MCCORMICK, PHD, FRS UNDER 37 C.F.R. § 1.132**

I, Frank McCormick, PhD, FRS, declare as follows:

1) I am Director of the Helen Diller Family Comprehensive Cancer Center & Cancer Research Institute of the University of California, San Francisco (UCSF). I was founder and Scientific Director of Onyx Pharmaceuticals and as such have been actively involved in pre-clinical and clinical development of oncolytic adenoviruses, amongst which the ONYX-OIS product which has been tested in various clinical studies. I have been practicing in the field of adenovirus gene therapy for 18 years. A copy of my *curriculum vitae* is attached hereto as Exhibit A.

2) I have read U.S. Patent Application No. 10/501,407 and the related office actions dated July 6, 2010 and December 2, 2010. In particular, I have read the comments from the examiner that claims 26-35 and 38-40 are obvious in view of Curiel et al. (US-6,824,771) and